

UNITED STATES OF AMERICA,)
)
 v.) CAUSE NO. 2:10 CR 54
)
 FILEMON MUNGUIA-ROMERO)

(1) that the defendant understands the nature of the charge against him to which the plea is offered;

- (2) that the defendant understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;
- (3) that the defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and defendant understands that the Probation Department will prepare a pre-sentence report based upon the sentencing guidelines but that the court may depart from those guidelines under some circumstances;
- (4) that the plea of guilty by the defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises;
- (5) that the defendant is competent to plead guilty;
- (6) that the defendant understands that his answers may later be used against him in a prosecution for perjury or false statement;
- (7) that there is a factual basis for the defendant's plea; and further,

I **RECOMMEND** that the court accept the defendant's plea of guilty to the offenses charged in Counts 1 and 2 of the indictment and that the defendant be adjudged guilty of the offense charged in Counts 1 and 2 of the indictment and have sentence imposed. A pre-sentence report has been ordered. Should this

Report and Recommendation be accepted and the defendant adjudged guilty, sentencing has been scheduled for September 8, 2010, at 1:00 P.M. before Judge Rudy Lozano.

ENTERED this 16th day of June, 2010

s/ Andrew P. Rodovich
United States Magistrate Judge